

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

COOLEY, INCORPORATED,

Plaintiff,

v

CARLISLE SYNTEC, INC. ET AL.,

Defendants.

Civil Action No.: 1:17-cv-84-M-LDA

**REPORT OF THE PARTIES TO MAGISTRATE JUDGE LINCOLN ALMOND
REGARDING THIRD-PARTY SUBPOENAS**

Counsel for the RMA Companies and counsel for Cooley (“the Parties”) have conferred regarding two third-party subpoenas and can report to the Court as follows:

1. All Parties and Subpoena Respondent Johns Manville (“JM”) agree that JM can produce the following under the Protective Order (ECF No. 72) marked as CONFIDENTIAL:

- A. Carl G. Cash, P.E., A. G. Davies, Jr., D. L. Niles, and L. C. Carey titled “Chemical Resistance of Various Single Ply Roofing Membranes.”; and
- B. The chemical resistance study conducted by Simpson Gumpertz & Heger.

2. All Parties and Subpoena Respondent Cool Roof Rating Council (the “CRRC”) agree that the CRRC can produce the following under the Protective Order (ECF No. 72) marked as CONFIDENTIAL:

- A. Digitally stored documents related to the rating of product ID 0792-0001
- B. Digitally stored documents related to the rating of product ID 0628-0008
- C. Digitally stored documents related to the rating of product ID 0672-0001, and 0007-11
- D. All CRRC emails returned from the search criteria:
“from: mike.wolkowicz@gmail.com” and
“from:John.Greko@CarlisleSynTec.com”
- E. All CRRC emails returned from the search criteria
“to: mike.wolkowicz@gmail.com” and
“to:John.Greko@CarlisleSynTec.com”, excluding general group emails

3. Before any other documents are produced, including but not limited to paper documents from the CRRC, the RMA Companies agree to first consult with Cooley regarding concerns of relevance, burden, and privilege.

4. The temporary stay should be lifted for production of the above-noted documents.
5. The motion to quash may be continued until such time as the parties might reach an impasse.

Dated: February 13, 2018.

Respectfully submitted,

/s/ Michael La Porte

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Agreed.

/s/ Per C. Vaage

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CERTIFICATE OF SERVICE

The undersigned certifies that on February 13, 2018, I caused a true and correct copy of the foregoing document and attachments to be sent *via* the Court's ECF system on all counsel of record.

/s/ Michael La Porte